



C.R.P.No.3812 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.No.3812 of 2022

1. Mr.S.Selvaraj
2. Mrs.S.Rajammal .. Petitioners

v.

1. The Federal Bank Ltd.,
Tiruppur Industrial Finance Branch
No.132-A, Mangalam Road
Tiruppur 641 604

2. The Authorised Officer
The Federal Bank Ltd.,
Tiruppur Industrial Finance Branch
No.132-A, Mangalam Road
Tiruppur 641 604 .. Respondents

Petition under Article 227 of the Constitution of India, against the order dated 22.09.2022 passed in R.A.SA.No.25 of 2015 by the Debts Recovery Appellate Tribunal, Chennai in reversing the order dated 24.03.2015 passed in SA.No.145 of 2013 by the Debts Recovery Tribunal,



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Coimbatore.

For Petitioners :: Mr.A.Manojkumar

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This civil revision petition has been directed against the impugned order dated 22.09.2022 passed in R.A.SA.No.25 of 2015 by the Debts Recovery Appellate Tribunal, Chennai.

2. Learned counsel appearing for the petitioners submitted that the impugned order remanding the SA.No.145 of 2013 filed by the petitioners back to the Debts Recovery Tribunal, Coimbatore for a decision afresh, without being influenced by any of the observations made by the Debts Recovery Appellate Tribunal, with regard to the pendency of the claim of the petitioners against the bank and the insurance company on the ground of deficiency of service before the National Consumer Disputes Redressal Commission, New Delhi, is bad, as the Debts Recovery Tribunal,



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Coimbatore, after rightly appreciating the grievance of the petitioners that without getting compensation from the insurance company for the loss of stock on account of the fire accident that took place in the godown on the relevant date, the petitioners may not be able to repay the loan amount payable to the respondent Bank, has directed the impugned proceedings of the respondent Bank to be kept in abeyance till the outcome of the pending proceedings before the National Consumer Disputes Redressal Commission, New Delhi, the said finding ought not to have been disturbed by the Debts Recovery Appellate Tribunal, Chennai.

3. We do not find any merit in the said submissions. The reason is that the pendency of the claim of the petitioners to compensate the loss of stock due to the fire accident that took place in the godown on the relevant date and the consequent liability of the insurance company, is noway connected to the proceedings initiated by the respondent Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for recovery of debt, because,



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irrespective of whether the petitioners succeed before the National Consumer Disputes Redressal Commission or any other authority, their onus to repay the outstanding dues to the respondent Bank is independent and a standalone liability. Therefore, we are of the considered view that the impugned order passed by the Debts Recovery Appellate Tribunal remanding the SA.No.145 of 2013 back to the Debts Recovery Tribunal, Coimbatore to decide the matter afresh after giving opportunity to the parties, cannot be found fault with. Therefore, the civil revision petition fails and it is dismissed. Consequently, C.M.P.No.20032 of 2022 is also dismissed.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.K.K.,J.)

Index : yes/no

23.11.2022

ss

To

1. The Registrar
Debts Recovery Appellate Tribunal
Chennai



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2. The Registrar
Debts Recovery Tribunal
Coimbatore

3. The Authorised Officer
Federal Bank Ltd.,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.KRISHNAKUMAR,J.

SS

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